

F 11-13 Receipt
18810-82002
1600
4**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Steven L. Wechsler, Anthony B. Nesburn, Guey-Chuen Perng, John S. Yu and Keith L. Black
Serial No. 10/046,491
Filed: October 29, 2001
For: A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS

**THIRD REQUEST FOR CORRECTION OF FILING RECEIPT AND
ACKNOWLEDGEMENT OF RESPONSE TO REQUEST FOR CORRECTED FILING
RECEIPT**

Assistant Commissioner for Patents
Office of Initial Patent Examinations
Customer Service Center
Washington, D. C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS	
WASHINGTON, D. C. 20231, ON	October 30, 2002
BY <i>Christina Tong</i> CHRISTINA TONG	October 30, 2002 (DATE OF SIGNATURE)

Dear Sir or Madam:

Applicant acknowledges receipt of *Response to Request for Corrected Filing Receipt* dated July 9, 2002. It is understood that there are multiple dependant claims filed that are not reflected in the Filing Receipt.

However, Applicant respectfully requests that the following corrections be made to the Corrected Filing Receipt dated September 5, 2002 issued in connection with the above-referenced application, as reflected in the marked-up version of the Corrected Filing Receipt attached hereto as Exhibit A.

Applicant requests that the title of the invention be corrected, to conform to the enclosed copy of the first five pages of the Preliminary Amendment filed together with the divisional application (Exhibit B). That is, the title should be amended to read as follows:

A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR
SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING
DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT
MAMMALIAN CELLS

The Commissioner is hereby respectfully requested to credit overpayments or charge any fees required under 37 C.F.R. 1.16 or C.F.R. 1.17 to Deposit Account No. 50-1597.

Respectfully submitted,

By: 

Nisan A. Steinberg, Ph.D.
Registration No. 40,345

SIDLEY AUSTIN BROWN & WOOD LLP
555 West Fifth Street
Los Angeles, California 90013-1010
Tel: 213/896-6665
Fax: 213/896-6600



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/046,491	10/29/2001	1632	618	18810-82002	9	18	3

SIDLEY AUSTIN BROWN & WOOD
555 West Fifth Street
Los Angeles, CA 90013-1010

CONFIRMATION NO. 6806

CORRECTED FILING RECEIPT



OC00000008732258

Date Mailed: 09/05/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Steven L. Wechsler, Westlake Village, CA;
Anthony B. Nesburn, Malibu, CA;
Guey-Chuen Perng, Alhambra, CA;
John S. Yu, Los Angeles, CA;
Keith L. Black, Los Angeles, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/299,817 04/26/1999

Foreign Applications

If Required, Foreign Filing License Granted 04/17/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

A Herpes simplex virus type 1 (HSV-1)-derived vector for selectively inhibiting ^{malignant} ~~malignant~~ cells and

~~malignant non-malignant~~
for expressing desired traits in ~~malignant and non-malignant~~ mammalian cells

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).